

- B3
28. (New) A monoclonal murine internal anti-idiotypic antibody (ab2) to monoclonal antibodies BR55-2 (ATCC HB 9324) (ab1).
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**REMARKS**

Support for new claim 13 can be found in old claim 1 and 2, and in the Specification on page 8, lines 12-14.

Support for claim 14 can be found in the Specification on page 37, lines 20-22.

Claim 15 finds its support in old claim 7 and in the Specification on page 8, lines 3-5.

Claim 16 finds support in old claim 6.

Support for new claim 17 can be found in the Specification on page 4, lines 20-23 and page 5, lines 5-6.

Claim 18 finds support on page 14, lines 2, 3.

Support for new claim 19 can be found on page 37, lines 20-22.

Support for new claim 20 can be found on page 5, lines 13-17.

Support for new claim 21, is found on page 4, lines 20-23 and page 5, lines 5-6.

Old claim 8 provides the support for claim 22.

Old claim 2 provides the support for new claim 23.

Claim 24 finds support on page 5, line 18 to page 6, line 18 in addition to old claim 9.

Claim 25 finds support on page 5, line 18 to page 6, line 18.

Claims 26 and 27 finds support on page 11, line 18 to page 12, line 4.

Claim 28 finds support from old claim 12.

Applicants have amended the claims to more clearly describe the instant invention. No new matter has been added.

Applicants enclose a Declaration submitted by Dr. Hans Loibner of IGENON, which distinguishes the instant invention from, for example, STEPLEWSKI (USP 4,971,792). As Dr. Loibner points out, STEPLEWSKI suggests isolating hybridomas secreting monoclonal antibodies with the specificity of MAb BR55-2 by using anti-idiotypic screening as detailed by POTO CNJAK et al. (copy enclosed). As Dr. Loibner points out, the POTO CNJAK reference does not describe the criteria of the screen and, without these criteria, one cannot guarantee obtaining an antibody suitable for medical purposes.

Dr. Loibner also points out that the deficiency in the POTO CNJAK reference is similar to that found in the LOIBNER reference (7<sup>th</sup> International Congress of Immunology, 1989, ABSTRACT). Here, the LOIBNER reference only teaches producing a mixture of antibodies and this reference, either alone or in combination with the POTO CNJAK reference, does not teach the instant invention.

Dr. Loibner states that the present invention sets forth a procedure in the application on page 7 and 8 that allows the skilled artisan to reproducibly obtain the anti-idiotypic antibody BR55-2#E4, for example.

Dr. Loibner supports his statements with the experiment describe in attached Appendix C which demonstrates that each of the anti-idiotypic antibodies, when used as vaccine in a Rhesus monkeys, induced antibodies against Lewis Y positive SQBR5 tumor cells, a significant advancement over the prior art.

Claims 1-12 are pending in the present application. Claims 1-12 have been canceled and claims 13-28 have been added.

Entry of the above amendments is earnestly solicited. An early and favorable first action on the merits is earnestly solicited.

**Attached hereto is a marked-up version of the changes made to the application by this Amendment.**

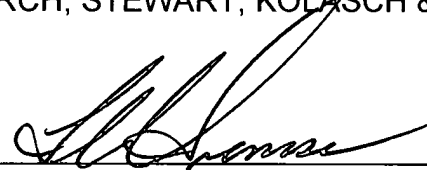
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. 30,330) at 714-708-8555 in Costa Mesa, CA.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



Leonard R. Svensson (#30,330)

LRS/SWG/sbp  
4518-0101P

Attachments

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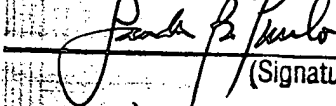
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(Date of deposit)

BIRCH, STEWART, KOLASCH & BIRCH, LLP



(Signature)

02-18-03

(Date of Signature)

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

*In the Specification:*

The paragraph beginning on page 37, line 23, has been amended as follows:

“These hybridomas were originally deposited on February 17, 1987 and, respectively, March 10, 1987 with the American Type Culture Collection, [Rockville, MD 20852] 10801 University Blvd, Manassas, VA 20110-2209, USA, under the provisions of the Budapest Treaty, under deposit numbers ATCC HB 9324 and, respectively, ATCC HB 9347.”